IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12690 OF 2015

Dattatrey M. Mhatre
(deceased through L.R.s)
Ramesh D. Mhatre and ors. .. Petitioners
vs.
Dattu J. Mhatre and ors. .. Respondents

Mr. S.S. Redekar for the Petitioners.
Ms M.S. Bane, B-Panel Counsel for Respondent No.16.

CORAM : M. S. SONAK, J.
DATE : 11 AUGUST 2016.

P.C. :-

1] The challenge in this petition is to the order dated 29 August 2014 made by the Revenue Minister, in relation to entries in revenue record.

2] Mr. Redekar, learned counsel for the petitioners, has submitted that after the impugned order dated 29 August 2014 was made, there was a change in incumbency of the Revenue Minister. The later Revenue Minister by notice dated 3 February 2015 declared that the orders made by his predecessor were being reviewed and on the said basis the parties were offered opportunity of fresh hearing. Mr.Redekar submits that such fresh hearing took place on 19 February 2015. However, ultimately, the petitioners have been served with a copy of the earlier order dated 29 August 2014. This according to Mr. Redekar constitutes a clear error apparent on the face of record. That apart, Mr. Redekar submitted that at least two authorities had held in favour of the petitioners and there was really no case made out to interfere with such findings, in the exercise of revisional jurisdiction by the Minister (Revenue). Mr. Redekar further submitted that though the petitioners had filed written submissions, the impugned order states that no such submissions were filed by the petitioners. On all these grounds, Mr. Redekar submits that this Court ought to interfere with the impugned order dated 29 August 2014.

3] Having perused the notice dated 3 February 2015, it appears that the Minister (Revenue) has purported to exercise review jurisdiction in case of orders made by his predecessor. The notice does not make reference to any particular case, but it appears that an omni bus resolution to this effect came to be adopted. At least *prima facie,* such an exercise appears to be in excess of jurisdiction. Therefore, the petitioners cannot complain that despite the exercise of review jurisdiction, the earlier order has been maintained.

4] Mr. Redekar further submits that in such a situation, the petitioners will have a right to question the order dated 29 August 2014, which has been maintained. Mr. Redekar is right in his submission. However, considering the circumstance that the entire dispute relates to entries in revenue records, there is no necessity to entertain the present petition. It is well settled that mere entries in the revenue records are not determinative of right or title of the parties to the property in question. Further, the petitioners have already instituted Regular Civil Suit No. 501 of 2008 in the Court of Civil Judge, Senior Division, Thane in relation to their rights and claim to the property in question. Such suit is pending. In deciding such a suit, needless to note that the Civil Court will not be influenced by the impugned order dated 29 August 2014 or for that matter, the circumstance that the present petition is not being entertained. In any case, it is directed that the Civil Court whilst deciding the civil suit shall not be influenced by these factors or orders. All contentions of all parties on the merits are specifically kept open for consideration of the Civil Court.

5] With aforesaid observations, the present petition is dismissed. There shall however, be no order as to costs.

(M. S. SONAK, J.)